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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,769	04/19/2000	DO-HYOUNG KIM	Q57164	1355

7590 10/04/2004
SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037-3202

EXAMINER

PEYTON, TAMMARA R

ART UNIT PAPER NUMBER

2182

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/445,769	Applicant(s) KIM, DO-HYOUNG	
	Examiner Tammara R Peyton	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Applicant's arguments are not persuasive and the art rejection of *Mano et al.*, (US 5,793,366) in view of *Lawande et al.*, (U.S. 6,405,247).

Response to Applicant's Arguments

As to claims 1 and 4-7, Applicant argues that Mano does not teach or suggest at least receiving a predetermined signal that indicates change in the operation states of the server devices from the server devices by the client device and displaying the change in the operation state of a specific server device on a screen.

Mano teaches a (predetermined) signal that indicates a change in the operation state of a server device. Mano teaches using a computer system, which may include a television or monitor which displays the operational states of server devices on the system. For example, in one embodiment the server device is a printer connected to the system network. When a user selects a print operation from a camcorder to the printer an animated stream is shown on the display device showing the operational state of the printer. The printer would have to send a signal to the display device, i.e. computer system, informing the display device of the print action, because how else would the display device know when to begin the animated stream, and subsequently discontinue the animated stream at the conclusion of the print operation, if a signal is not returned to the display device at the start (and end) of the print operation from the printer? Mano does not clearly disclose a type of signal, but one of ordinary skill would readily

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recognize that a print operation signal sent to the display device would be distinguishable from other types of operational signals. (col. 6, lines 32-47) The Office is taking the position that Mano's server device(s) would have to return a distinguishable signal that would indicate an operational state(s) of the server device(s) in order for the display device to begin and end an animated stream showing a current operational state of the service device(s).

As to applicant's arguments that *Lawande* does not teach the use of client devices, *Lawande* teaches a method and apparatus for operating the Internet protocol over a high-speed serial bus (IEEE 1394) so as to allow different *nodes* to be inserted or removed from the network without disturbing the on-going traffic on the system (col. 16, lines 8-38). It would be apparent to one of ordinary skill at the time the invention was made that the term *nodes* is a broad term that would encompass client nodes or server nodes, etc. as long as it relates to computer/network related systems. "The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference." *In re Bozek*, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969).

As to claim 2, applicant's argues that Mano does not teach polling for server devices. Examiner agrees that Mano does not expressly use the term polling. However, Mano's system teaches discovering that a device is connected via receiving a signal after the device is "hot plugged" (plug and play type detection) to the serial bus

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network. It would have been apparent to one of ordinary skill at the time the invention was made that polling procedures may be contained in Mano's operational software which polls components that are hot-plugged into the serial bus network. Mano does not need to expressly use the term polling in the disclosure since one skilled in the art is presumed to know something about the art apart from what the references literally disclose. (see *In re Jacoby*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962)).

Claims 3 and 8-11 rejections are maintained as stated in the previous Office Action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

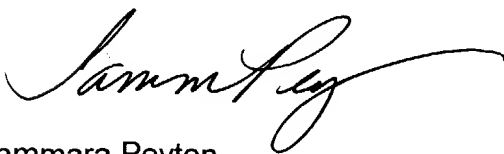
Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

USTPO, 2011 South Clark Place, Customer Window
Crystal Plaza Two, Lobby Room 1B03, Arlington, VA, 22202 Crystal Park II, 2121.



Tammara Peyton

September 30, 2004